

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

ALBERT HUGHES, III	:	CIVIL ACTION – LAW
	:	
Plaintiff	:	
	:	
vs.	:	
	:	
MARIE BADARACCO-APOLITO and	:	
HENDRICK BARNER,	:	
	:	Docket No.: 3:14-cv-1839-ARC
Defendants	:	

ORDER

AND NOW, this day of , 2016 upon consideration of Plaintiff's Motion in Limine it is hereby ORDERED and DECREED that no evidence will be introduced at trial as to who owned the property in the Poconos where the Plaintiff was staying and no evidence will be introduced at trial which relates to whether or not Plaintiff and his wife are divorced, separated, in the process of divorcing or getting a divorce.

BY THE COURT:

HONORABLE A. RICHARD CAPUTO

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PLAINTIFF’S MOTIONS IN LIMINE TO EXCLUDE IRRELEVANT INFORMATION

1. This case involves an attack on and bites of the Plaintiff by two dogs owned by the Defendant Marie Badarracco-Apolito. The two dogs surrounded Plaintiff's wife, dog, two children and a house guest, bit the dog and then attacked the Plaintiff. Plaintiff's wife was a witness to the attack.
2. At the time of the attack, Plaintiff was married. He has since separated from his wife, and is in the process of a divorce.
3. Plaintiff believes the fact that the Plaintiff and his wife are divorcing is irrelevant to the issues in this case.
4. Plaintiff's wife did not make a claim for loss of consortium.
5. Plaintiff expects the defense will argue that there could be some relevance because if the Plaintiff receives money the wife will likely receive some of the money in a divorce settlement. Assuming arguendo that this is true, the probative value of the fact that the couple is separated is minimal at best and is outweighed by the risk of possible prejudice. The separation does not tend to prove any material issue in the case.
6. Some jurors even in this day and age may look askance at the Plaintiff because he is getting a divorce, may wonder or speculate about the reasons for the divorce and may be distracted from the real issues in this case: negligence, causation and damages.

7. Also, the attack happened in the Poconos where the Plaintiff owned a vacation home. The fact that the Plaintiff owned a vacation home is irrelevant and not probative of any material fact in the case.

Wherefore, Plaintiff respectfully requests this Honorable Court grant Plaintiff's Motion in Limine.

Respectfully Submitted,

JOSEPH CHAIKEN & ASSOCIATES, P.C.

BY: 

JOSEPH CHAIKEN, ESQUIRE
1800 JFK Boulevard, 14th Floor
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Attorney ID # 31187

Date: 4-21-16

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Plaintiff	:	
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MARIE BADARACCO-APOLITO and	:	
HENDRICK BARNER,	:	
	:	
Defendants	:	Docket No.: 3:14-cv-1839-ARC

CERTIFICATE OF CONCURRENCE/NON-CONCURENCE

I, Joseph Chaiken, Esquire, Attorney for Plaintiff Albert Hughes III hereby state that I contacted Counsel for Defendants, Marie Badaracco-Apolito and Hendrick Barner and they do not concur with the filing of this Motion in Limine.

Respectfully Submitted,

JOSEPH CHAIKEN & ASSOCIATES, P.C.

BY: _____



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CERTIFICATE OF SERVICE

I, Joseph Chaiken, Esquire, do hereby certify that a true and correct copy of Plaintiff's Motion in Limine was electronically filed with the Court and sent via First Class-United States Mail to the following on April 21, 2016:

Shawna R. Laughlin, Esquire
Law Offices of Thomas J. Kelley & Associates
50 Glenmaura National Boulevard, Suite 300-Glenmaura Plaza
Moosic, PA 18507
Attorney for Defendant, Marie Badaracco-Apolito

Christopher Horn, Esquire
Kane, Pugh, Knoell, Troy & Kramer, LLP
510 Swede Street
Norristown, PA 19401-4886
Attorney for Defendant, Hendrick Barner

JOSEPH CHAIKEN & ASSOCIATES, P.C.

By: _____



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